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IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL REVISION APPLICATION NO. 4 OF 2007

Office Notes, Office Memoranda of : coram, appearances, Court's Orders: or directions and Registrar Orders:	Court's or Judge's orders

CORAM : D.G. KARNIK, J.

DATE : 1ST NOVEMBER 2007

P.C. :

1. None present for either side.

2. This revision application is directed against the order dated 17th November 2006 passed by the IInd Joint Civil Judge, Junior Division, Panvel rejecting the application of the revision applicants under section 9-A of the Code of Civil Procedure (for short "the Code").

3. In **Solapur Social Urban Co-operative v. Nigam A. Mannan, reported in 2006 (4) BCR 217**, I have already taken a view that section 9-A of the Code, which was introduced into the Code by a Maharashtra Amendment, stands

repealed by reason of section 32 of the Code of Civil Procedure (Amendment) Act, 1999 and section 16 of the Code of Civil Procedure (Amendment) Act, 2002. In my view, therefore, the application by the revision applicants under section 9-A of the Code itself was not maintainable. The order rejecting the application under section 9-A of the Code passed by the learned Civil Judge, therefore, cannot be interfered with in exercise of writ jurisdiction. Revision application is accordingly dismissed.

(D.G. KARNIK, J.)